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Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

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Chart Chooboon  
Los Angeles County Department of Public Works  
900 South Fremont Avenue  
Alhambra, CA 91803

### **WATER QUALITY CERTIFICATION FOR PROPOSED COOKS CANYON CRIB DAM M1-A DEBRIS BASIN PROJECT (Corps' Project No. 2004-00759-KW), VERDUGO WASH, CITY OF GLENDALE, LOS ANGELES COUNTY (File No. 04-007)**

Dear Mr. Chooboon:

Regional Board staff has reviewed your request on behalf of Los Angeles County Department of Public Works (LADPW) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 8, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

\_\_\_\_\_[Original Signed by]\_\_\_\_\_  
Jonathan Bishop  
Interim Executive Officer

\_\_\_\_\_  
July 22, 2004  
Date

### **California Environmental Protection Agency**

\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*  
\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



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## ATTACHMENT A

### Project Information

File No. **04-007**

1. Applicant: Los Angeles County Dept. of Public Works  
900 South Fremont Avenue  
Alhambra, CA 91803  
Phone: (626) 458-3938 Fax: (626) 458-3179
2. Applicant's Agent: Chart Chooboon
3. Project Name: Cooks Canyon Crib Dam M1-A Debris Basin
4. Project Location: City of Glendale, Los Angeles County  
  
Longitude: 118° 15' 44"; Latitude: 34° 14' 49"
5. Type of Project: Debris basin sediment removal
6. Project Description: *Purpose:*  
The purpose of the proposed project is to excavate sediment from within the debris basin and improve the outlet drain.  
  
*Description:*  
Over the years, sediment buildup has prevented flow from reaching the crib dam and has caused year round ponding in the middle of the basin. The project will consist of excavating sediment to meet the storage capacity, which the debris basin was designed to capture. A new outlet tower and drain pipe will be constructed as the sediment is removed. The drain pipe will consist of a 19-foot high, 48-inch corrugated steel pipe. The outlet drain will be approximately 200 linear feet of 36-inch reinforced concrete pipe. Construction activities associated with this project will temporarily impact approximately 0.20 acres of the unvegetated area within the debris basin.
7. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP Nos. 3 & 33 (Permit No. 2004-00759-KW)

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- |  |   |
|--|---|
| 8. Other Required Regulatory Approvals:                              | California Department of Fish and Game<br>Streambed Alteration Agreement<br>Notification No. 1600-2004-0017-R5  |
| 9. California Environmental Quality Act (CEQA) Compliance:           | The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 (Replacement or Reconstruction).  |
| 10. Receiving Water:   | Cooks Canyon Stream, Tributary to Verdugo Wash<br>Hydrologic Unit No. 405.24  |
| 11. Designated Beneficial Uses:                                      | MUN*, IND, PROC, GWR, REC1, REC2, WARM, WILD<br><br>* Conditional beneficial use  |
| 12. Impacted Waters of the United States:                            | Non-wetland waters (streambed): 0.20 temporary acres  |
| 13. Dredge Volume:   | None  |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.  |
| 15. Avoidance/Minimization Activities:                               | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none"><li>♣ Los Angeles County Department of Public Works will employ BMP's to ensure that no degradation of water quality occurs beyond the proposed project area as a result of excavation and disposal of sediment from the basin;</li><li>♣ The County will immediately cleanup any spills that do occur,</li></ul> |

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and immediately notify appropriate agencies;

- ♣ The County will maintain records of the amount of sediment removed;
- ♣ Works sites will be clearly flagged or staked to avoid potential impacts to adjacent natural habitats or sensitive areas;
- ♣ Staging/storage areas for equipment and materials will be located outside of all waters; and
- ♣ All inflows of surface water shall be redirected away from areas undergoing excavation.

#### 16. Required Compensatory Mitigation:

The County shall provide mitigation for temporary impacts associated with the project through the restoration of approximately 0.20 acres (1:1 ratio) with native vegetation at the project location. Also, any non-native vegetation (tree tobacco, castor bean, giant cane, cocklebur, etc.) shall be removed.

*See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.*

## ATTACHMENT B

### Conditions of Certification File No. 04-007

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant and all contractors employed by the Applicant shall have copies of the Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.

## ATTACHMENT B

### Conditions of Certification

File No. 04-007

4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.
5. The Applicant shall not conduct any excavation activities within the waters of the United States during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within **five (5) days** of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
6. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
7. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The Discharge shall meet all effluent limitation and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 permit.
8. The discharge shall not permanently: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
9. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
10. No excavation activities shall take place in any area where there is potential for any rare, threatened, or endangered species prior to completion of a formal or informal consultation with the responsible wildlife agencies. Upon completion of the consultation with the U.S. Fish and Wildlife Service, or other appropriate agencies, the Applicant shall submit a copy of the consultation results to this Regional Board. Any conditions required by the approving agency for the protection of any protected species shall be incorporated into this Certification.

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### Conditions of Certification

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11. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
12. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
13. The Applicant shall restore the **0.20 acres** of temporary disturbance that could result in a discharge or a threatened discharge to waters of the State. The Applicant shall implement all appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
14. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **May 1<sup>st</sup>** of each year for a minimum period of **five (5) years** after initiation of the mitigation plan. The report shall describe in detail all of the project activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species. This report shall include as a minimum, the following documentation:
  - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;



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### **Conditions of Certification**

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- (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
  - (c) The overall status of project including a detailed schedule of work;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
  - (f) A certified statement of “no net loss” of wetlands associated with this project;
  - (g) Discussion of any monitoring activities and exotic plant control efforts; and
  - (h) A certified statement from the permittee or his/her representative that all conditions of this Certification have been met.
15. The Applicant shall file with the Regional Board (Attention: 401 Water Quality Certification Staff) technical reports on self-monitoring work conducted according to the Annual Monitoring Reports specified by the Executive Officer and submit other reports as requested by the Regional Board.
16. All applications, reports, or information submitted to the Regional Board shall be signed:
- (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
  - (b) For a partnership, by a general partner.
  - (c) For a sole proprietorship, by the proprietor.
  - (d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
17. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering this information, the

## ATTACHMENT B

### Conditions of Certification File No. 04-007

information submitted is, to the best of my knowledge and belief, true and accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_(Signature)

\_\_\_\_\_(Title)”

18. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **04-007**. Submittals shall be sent to the attention of the 401 Certification Staff.

19. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this Certification, the SWRCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.

20. This Certification shall expire **five (5) years** from the date of signature. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.